

# Customs Bulletin

Regulations, Rulings, Decisions, and Notices  
concerning Customs and related matters



## and Decisions

of the United States Court of Customs and  
Patent Appeals and the United States  
Customs Court

Vol. 7

JUNE 20, 1973

No. 25

*This issue contains*

T.D. 73-153 through 73-156

C.D. 4426

Protest abstracts P73/564 through P73/571

Reap. abstract R73/152

Tariff Commission Notice

DEPARTMENT OF THE TREASURY  
Bureau of Customs

## NOTICE

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# Bureau of Customs

(T.D. 73-153)

## *Foreign currencies—Daily rates for countries not on quarterly list*

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, Philippine peso, Singapore dollar, Thailand baht (tical)

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
*Washington, D.C., May 29, 1973.*

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

Hong Kong dollar:	<i>Official</i>	<i>Free</i>
April 30, 1973-----	\$0.1950	\$0.193106*
May 1, 1973-----	.1950	.192864*
May 2, 1973-----	.1950	.192492*
May 3, 1973-----	.1930	.192678*
May 4, 1973-----	.1930	.192585*

Iran rial:	
May 14, 1973-----	\$0.0150
May 15, 1973-----	.0150
May 16, 1973-----	.0147
May 17, 1973-----	.0145
May 18, 1973-----	.0145

Philippine peso:  
For the period May 14 through May 18, 1973, rate of  
\$0.1460.

Singapore dollar:	
May 14, 1973-----	\$0.4050
May 15, 1973-----	.4045
May 16, 1973-----	.4035
May 17, 1973-----	.4030
May 18, 1973-----	.4030

\*Certified as nominal.

## Thailand baht (tical) :

May 14, 1973-----	\$0.0490
May 15, 1973-----	.0486
May 16, 1973-----	.0484
May 17, 1973-----	.0484
May 18, 1973-----	.0484

(342.211)

R. N. MARRA,  
*Director, Appraisalment  
 and Collections Division.*

(T.D. 73-154)

*Cotton textiles—Restriction on entry*

Restriction on entry of certain cotton textiles and textile products manufactured  
 or produced in Pakistan

DEPARTMENT OF THE TREASURY,  
 OFFICE OF THE COMMISSIONER OF CUSTOMS,  
 Washington, D.C., June 5, 1973.

There is published below the directive of May 16, 1973, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning the restriction on entry into the United States of certain cotton textiles and textile products manufactured or produced in Pakistan. This directive amends but does not cancel that Committee's directives of June 28, 1972 (T.D. 72-208), and June 29, 1972 (T.D. 72-201).

This directive was published in the Federal Register on May 30, 1973 (38 F.R. 14184), by the Committee.

(343.3)

R. N. MARRA,  
*Director, Appraisalment  
 and Collections Division.*

THE ASSISTANT SECRETARY OF COMMERCE  
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

May 16, 1973.

COMMISSIONER OF CUSTOMS  
Department of the Treasury  
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

This directive amends but does not cancel the directive issued to you on June 29, 1972 by the Chairman of the Committee for the Implementation of Textile Agreements which designated levels of restraint for certain cotton textiles and cotton textile products produced or manufactured in Pakistan which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period beginning July 1, 1972. It also amends but does not cancel the directive of June 28, 1972 which established an export visa requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Pakistan.

Pursuant to paragraph 12 of the Bilateral Cotton Textile Agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan, and in accordance with the procedures of Executive Order 11651 of March 3, 1972; effective as soon as possible and until further notice, the traditional Pakistan Items listed below, produced or manufactured in Pakistan and entered into the United States in accordance with the provisions of this directive, shall neither be subject to nor counted in any level of restraint now or hereafter put into effect:

1. *Shisha Embroidered Dresses*—Traditional mirror embroidery on plain, printed or striped material, worn by the people of Sind and Baluchistan. Short, medium or long in length according to the areas from which they come.
2. *Dastkari Kurta and/or Gharara*—A Kurta is a type of halter blouse worn with the Gharara. A Gharara is a traditional form of the pajama worn by ladies of the Moghul courts. Each leg of the Gharara measures about one yard across the bottom opening. Both made of cotton material with multi-colored embroidery and with drawstrings at the top and waist, in the tradition of the Moghul Kings.

3. *Multani Kurta*—Crochet worked short or long tunic worn by the peasants in Punjab. Crocheted work located at the neck and front and has triangular inserts at the armpits.
4. *Embroidered Kurta*—Type of shirt or loose tunic worn throughout Pakistan over loose trousers. Is embroidered in different colors. Adapted from Angarkha by King Ahmad Shah Abdali. Worn short or long and has triangular inserts at the armpits.
5. *Multani Choli*—(If in part of set) Fitted blouse worn with either a Lungi (i.e., a scarf) or Sari in Punjab & Sind. Choli is embroidered in different colors or hand printed, tied either in front or back.
6. *Rilli Kurta*—Kurta of heavy fabric with patchworked decorations applied by hand, worn by the women of Sind.
7. *Burqa*—Loose tunic or dress with hood attached worn by ladies when going out of the house. Worn as an outer covering and often gaily embroidered or hand printed.
8. *Quetta Jackets*—Loose vest worn over Kurta by men and women. Made either of printed material or of embroidered material with mirrors on plain colors.
9. *Ghagra*—Ankle length, loose fitting skirt with drawstrings around the waist or hooks worn with either a fitted or loose choli, with traditional colors embroidered or hand printed. Work in the Tharparkar area of Sind.
10. *Batwa*—(Drawstring pouches, bags, purses and string bags). Accessories for all Pakistani dresses for carrying betel nuts and other personal things. Gaily printed or hand embroidered or with mirrors, or made with colored strings.
11. *Shindhi Julaba*—Very loose ankle length garment in handloom or hand-blocked material with a hood attached, with tie string at V opening in neck and side slits at lower part extending to lower hem. Worn with or without hood in the villages of Sind and can also be embroidered.
12. *Izarban*—Cotton belt in multi colored continuous lengths of unwoven threads.
13. *Baluchi Kameez*—Embroidered top worn by the women of Baluchistan over Shalwar or Turkish trousers. Flared tunic with extra wide sleeves tapering to a buttoned cuff.
14. *Cotton Embroidered Kaftan*—Kaftan in the traditional embroidery of Multan, Makran, Dera Ghazi Khan and Nuchki. Long, loose fitting dress with embroidery around top and bottom with side slits of about 18 inches to the lower hem.

15. *Cholistan Kurta*—Colorful striped heavy, unbleached fabric worn by the camel drivers of the Cholistan Desert with stand up collar band and sleeves made into the body of the garment.
16. *Chilaf*—Embroidered decorative tublar case open at both ends with drawstring enclosures.
17. *Dupatta*—(If in part of a set) Long scarf about 4 feet or more long and three feet or more wide of thin cotton fabric with colorful design worn by women to cover the head.
18. *Kamarband*—Antique and embroidered wide belts worn around the waist, with heavy mirrored embroidery.

To qualify for exemption from the levels of restraint, each shipment of the Pakistan Items listed above shall be accompanied by a certification issued by the Government of Pakistan. The certification shall be a stamped marking in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document or other commercial invoice when such form is used). Each certification will consist of the authorized signature and title of the official issuing the certification; identify the items exempted; indicate the date the certification was signed and certified; and carry the certificate number. A facsimile of the stamp, along with the signatures of the officials authorized to issue the exempt certification is enclosed.

All merchandise covered by an invoice which has an exempt certification but contains both exempt and non-exempt textile items will be denied entry.

In addition to the certification stamp, each shipment of Pakistan Items will be accompanied by a visa in accordance with the visa arrangement signed by the Governments of the United States and Pakistan on June 13, 1972.

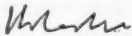
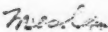

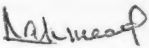
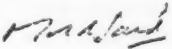
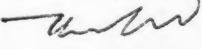
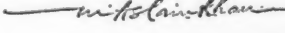

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

SETH M. BODNER,  
*Chairman, Committee for the Implementation  
of Textile Agreements, and  
Deputy Assistant Secretary for  
Resources and Trade Assistance*

Government of Pakistan	
EXPORT PROMOTION BUREAU	
Serial No	_____
EXEMPTED ITEMS.	
Description	_____
Certified on	_____ 19____
Authorised Signature.	

Name and Designation of Government of  
Pakistan Certifying Officers with  
Specimen Signatures

<u>Official</u>	<u>Signature</u>
Hamayun Shafiq Assistant Director Karachi Regional Office Karachi	
M. Aslam Research Officer Export Promotion Bureau Lahore	
Abdul Qayyum Assistant Director Export Promotion Bureau Lahore	
Riaz Ahmad Field Inspector Export Promotion Bureau Multan	
Mohammad Said Administrative Officer Export Promotion Bureau Multan	
Taj Mohammad Khan Deputy Director Export Promotion Bureau Peshawar	
Mohammad Aslam Khan Research Officer Export Promotion Bureau Rawalpindi	
Ch-Israr-Ul-Haque Investigator for Deputy Director Export Promotion Bureau Sialkot	



(T.D. 73-155)

*Cotton textiles—Restriction on entry*

Restriction on entry of cotton textiles and cotton textile products manufactured or produced in Romania

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
*Washington, D.C., June 5, 1973.*

There is published below the directive of May 21, 1973, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning the restriction on entry into the United States of cotton textiles and cotton textile products in certain categories manufactured or produced in Romania. This directive amends but does not cancel that Committee's directive of December 21, 1972 (T.D. 73-37).

This directive was published in the Federal Register on May 30, 1973 (38 F.R. 14185), by the Committee.  
(343.3)

R. N. MARRA,  
*Director, Appraisalment  
and Collections Division.*

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THE ASSISTANT SECRETARY OF COMMERCE  
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

*May 21, 1973.*

COMMISSIONER OF CUSTOMS  
*Department of the Treasury  
Washington, D.C. 20229*

DEAR MR. COMMISSIONER:

On December 21, 1972 the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1973 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Romania, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.<sup>1</sup>

<sup>1</sup> The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of December 31, 1970 between the Governments of the United States and Romania which provide in part that within the aggregate, limits on certain categories may be exceeded by not more than five (5) percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraphs 4 and 7 of the bilateral cotton textile agreement of December 31, 1970 between the Governments of the United States and Romania, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible and for the twelve-month period beginning January 1, 1973, the levels of restraint established in the aforesaid directive of December 21, 1972 for cotton textile products in Categories 26, 49, 55, 60 and 63 to the following:

<i>Category</i>	<i>Amended Twelve-Month Levels of Restraint <sup>2</sup></i>
26	2, 629, 775 square yards
49	30, 769 dozen
55	15, 853 dozen
60	22, 279 dozen
63	156, 062 pounds

In addition, pursuant to the provisions of the bilateral agreement referred to above, the following levels of restraint have been established for Categories 42 and 43 produced or manufactured in Romania and exported to the United States during the twelve-month period beginning January 1, 1973:

<i>Category</i>	<i>Twelve-Month Levels of Restraint <sup>3</sup></i>
42	114,045 dozen
43	114,045 dozen

Entries of cotton textile products in Categories 42 and 43, produced or manufactured in Romania and which have been exported to the United States from Romania prior to January 1, 1973, shall not be subject to this directive.

Cotton textile products in Categories 42 and 43 which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commis-

<sup>2</sup> These levels have not been adjusted to reflect any entries made on or after January 1, 1973.

<sup>3</sup> These levels have not been adjusted to reflect any entries made on or after January 1, 1973.

sioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely yours,

SETH M. BODNER,  
Chairman, Committee for the Implementation  
of Textile Agreements, and  
Deputy Assistant Secretary for  
Resources and Trade Assistance

(T.D. 73-156)

*Foreign currencies—Daily rates for countries not on quarterly list*

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, Philippine peso, Singapore dollar, Thailand baht (tical)

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
Washington, D.C., June 4, 1973.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

Hong Kong dollar:	Official	Free
May 7, 1973-----	\$0. 1930	\$0. 192678*
May 8, 1973-----	. 1930	. 192771*
May 9, 1973-----	. 1940	. 192817*
May 10, 1973-----	. 1940	. 193330*
May 11, 1973-----	. 1950	. 193610*
Iran rial:		
May 21, 1973-----		\$0. 0149
May 22, 1973-----		. 0149
May 23, 1973-----		. 0148
May 24, 1973-----		. 0149
May 25, 1973-----		. 0149

\*Certified as nominal.

## Philippine peso:

For the period May 21 through May 25, 1973, rate of  
\$0.1460.

## Singapore dollar:

May 21, 1973	-----	\$0. 4030
May 22, 1973	-----	. 4033
May 23, 1973	-----	. 4033
May 24, 1973	-----	. 4035
May 25, 1973	-----	. 4028

## Thailand baht (tical):

May 21, 1973	-----	\$0. 0484
May 22, 1973	-----	. 0485
May 23, 1973	-----	. 0484
May 24, 1973	-----	. 0486
May 25, 1973	-----	. 0475

(342.211)

R. N. MARRA,  
*Director, Appraisalment  
and Collections Division.*

# Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza

New York, N.Y. 10007

*Chief Judge*

Nils A. Boe

*Judges*

Paul P. Rao  
Morgan Ford  
Scovel Richardson  
Frederick Landis

James L. Watson  
Herbert N. Maletz  
Bernard Newman  
Edward D. Re

*Senior Judges*

Charles D. Lawrence  
David J. Wilson  
Mary D. Alger  
Samuel M. Rosenstein

*Clerk*

Joseph E. Lombardi

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## *Protest Decision*

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(C.D. 4426)

WESTINGHOUSE ELECTRIC CORP. ET AL. v. UNITED STATES

*Earphones—Tape recorders—*

*Judgment on pleadings—Summary judgment*

Earphones imported with tape recorders were classified as headphones under item 684.70, Tariff Schedules of the United States, *held*

properly subject to classification as parts of tape recorders under item 685.40, Tariff Schedules of the United States.

Where there are matters outside the pleadings in a motion for judgment on the pleadings, the court may pursuant to rule 4.9 of the Rules of the United States Customs Court treat such motion as one for summary judgment in accordance with the provisions of rule 8.2 of the rules of this court.

Court Nos. 67/44559, etc., against the decision of the regional commissioner of customs at the port of New York

[Judgment for plaintiffs.]

(Decided May 23, 1973)

*Barnes, Richardson & Colburn* (Peter J. Fitch of counsel) for the plaintiffs.  
*Harlington Wood, Jr.*, Assistant Attorney General (Michael S. O'Rourke, trial attorney), for the defendant.

FORD, Judge: The actions listed in schedule "A," annexed hereto and made a part hereof, are the subject of a motion for judgment on the pleadings filed pursuant to rule 4.9 of the rules of this court. It is contended that certain earphones imported with tape recorders which were classified as "headphones" under item 684.70, Tariff Schedules of the United States, are properly dutiable as parts of tape recorders under item 685.40, Tariff Schedules of the United States.

Defendant in its answers admits that said items were improperly classified under item 684.70, Tariff Schedules of the United States, pursuant to the decision in *United States v. General Electric Co.*, 58 CCPA 152, C.A.D. 1021 (1971), but alleges they are properly classifiable as entireties with the tape recorders with which they were imported. The classification of earphones imported with radios was recently decided in the case of *Transamerican Electronics Corp. et al. v. United States*, 70 Cust. Ct. —, 4405, 354 F. Supp. 1369 (1973). The court therein held said earphones imported with radios and chiefly used with said radios to be properly classifiable as parts of said radios rather than as entireties with the radios.

Following the decisions in the above cases and considering the admissions contained in defendant's answers, the court finds that earphones imported with tape recorders and chiefly so used are parts of, rather than entireties with, tape recorders.

Since all necessary facts have not been admitted in defendant's answers, the court does not deem a motion for judgment on the pleadings to be the proper remedy for plaintiffs. However, rule 4.9 of the rules of this court permits the court to consider such motion to be a motion for summary judgment. Defendant in its reply makes such a request and plaintiffs in their response join in said request.

Accordingly, motion for summary judgment holding the earphones imported with the tape recorders to be parts of said tape recorders under item 685.40, Tariff Schedules of the United States, is granted. Judgment will be entered accordingly.





# Decisions of the United States Customs Court

## *Abstracts Abstracted Protest Decisions*

DEPARTMENT OF THE TREASURY, May 29, 1973.

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

VERNON D. ACREE,  
*Commissioner of Customs.*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate		Par. or Item No. and Rate			
P73564	Rao, J. May 22, 1973	F. W. Myers & Co., Inc	70/64049 and 70/64051	Item 493.50 10%		Item 418.04 6%		Judgment on the pleadings	Champlain-RousesPoint Ferric nitrate
P73565	Rao, J. May 22, 1973	L. Batlin & Son, Inc., et al.	66/7738, etc.	Item 651.75 Various ad valorem equivalent rates as set forth in schedule A, attached to decision and judgment, in column head- ed "Assessed Ad Valorem Equivalent Rate"		Item 651.75 At appropriate specific or compound rate of duty as set forth in column of said schedule headed "Claimed Rate", said rate being applied once against each tool, knife, fork, spoon or other utensil in the set		Import Associates of Ameri- ca et al. v. U.S. (C.A.D. 981)	New York Flatware sets
P73566	Watson, J. May 23, 1973	Zunold Trading Corpora- tion et al.	68/16597, etc.	Item 748.20 28%		Item 774.60 17%		Armbee Corporation et al. v. U.S. (C.D. 3278) Zunold Trading Corpora- tion et al. v. U.S. (C.D. 3279)	Mobile Artificial flowers, etc.

P73/567	Landis, J. May 24, 1973	S. S. Kresge Co. et al.	66/05503, etc.	Item 523.94 27% Item 546.52 50%	Item 711.55 16% or 14%	F. W. Woolworth Company v. U.S. (C.D. 4245)	New York Hygrometers
P73/568	Watson, J. May 24, 1973	G. R. Kirk Co. et al.	67/53010, etc.	Item 748.20 28%	Item 774.60 17%	Ambee Corporation et al. v. U.S. (C.D. 3273) Zunold Trading Corpora- tion et al. v. U.S. (C.D. 3279)	Seattle Artificial flowers, etc.
P73/569	Watson, J. May 24, 1973	Precise Imports Corp.	66/22907, etc.	Item 730.80 42%	Item 730.81 9%	Agreed statement of facts	New York Pistols designed to fire blank ammunition and signal flares, not to fire only blank ammunition
P73/570	Newman, J. May 24, 1973	Kurt Orban Company, Inc.	67/46006	Item 657.20 19%	Item 646.54 0.5¢ per lb.	Agreed statement of facts	Cleveland Eye bolts
P73/571	Newman, J. May 24, 1973	Karl Schrott & Associates, Inc.	70/59669(A)	Item 653.95 13.5%	Item 653.97 1½¢ per lb. plus 4%	Agreed statement of facts	New York Articles for household use

# Decisions of the United States Customs Court

## *Abstracts Abstracted Reappraisement Decision*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	UNIT OF VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R73/152	Rao, J. May 22, 1973	Ross Electronics Corp.	R71/82	Constructed value	3,000 and 6,300 imported articles (exclusive of clock movement por- tion): \$10.38 and \$10.66, respectively, each, net, packed Clock movement por- tion: \$2.54 each, net, packed	Judgment on the plead- ings	Chicago Combination lamp and clock radios

**Judgment of the United States Customs Court  
in Appealed Case**

**MAY 24, 1973**

**APPEAL 5485.—American Express Company v. United States.—STEEL ANGLES AND GUSSET PLATES—REMISSION OF TAXES—INDIRECT BOUNTY—COUNTERVAILING DUTY.—C.D. 4266 affirmed February 8, 1973. C.A.D. 1087.**

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**Appeal to United States Court of  
Customs and Patent Appeals**

**APPEAL 5539.—The Carrington Co. and United Geophysical Corp. v. United States.—TRACKED MOTOR VEHICLES IMPORTED WITH DRILLS—SPECIAL PURPOSE MOTOR VEHICLES—ENTIRETIES—AMERICAN GOODS RETURNED OR ASSEMBLED ABROAD—CANADIAN ARTICLES ENTITLED TO FREE ENTRY—TSUS.**

Flextrack-Nodwell tracked motor vehicles imported with Mayhew drills, in assembled or unassembled condition, used in seismic prospecting for oil for the drilling of shot holes, were held properly assessed as entireties with duty at 8 or 9 percent ad valorem under the provision in item 692.16, Tariff Schedules of the United States, as modified by T.D. 68-9, for motor vehicles specially constructed and equipped to perform special services or functions, other than fire engines. Free entry was granted to the drill portions under item 800.00, as American goods returned, or under item 807.00, as American goods assembled abroad with the motor vehicles without having been advanced in value or improved in condition. Plaintiffs claimed that the Flextrack-Nodwell motor vehicles are Canadian articles, as that term is defined by general headnote 3(d) (ii), TSUS, as amended by Public Law 89-283, and that they are entitled to free entry under one of the following items, as amended: Item 692.03, as automobile trucks valued at \$1000 or more; item 692.11, as motor vehicles for the transportation of persons or articles other than automobile trucks valued at \$1000 or more or buses; item 692.21, as chassis and bodies (including cabs) for automobile trucks; item 692.23, as chassis and bodies (including cabs) for motor vehicles for the transportation of persons.

It is claimed that the Customs Court erred in not finding and holding the merchandise at bar consists of Canadian articles entitled to

free entry under item 692.03, 692.11, 692.21 or 692.23, *supra*; in finding and holding the merchandise correctly classified under item 692.16, *supra*; in finding and holding that a Flextrack tracked vehicle with Mayhew drill bolted to the rear frame is a specially constructed vehicle within the meaning of the tariff schedules; in finding and holding that a Flextrack tracked vehicle with a Mayhew drill resting on the rear bed and not attached to the vehicle is a specially constructed vehicle within the meaning of the tariff schedules; in not finding and holding that the tariff schedule description "specially constructed and equipped" requires the vehicle itself to be "specially constructed and specially equipped"; in finding and holding the assembled unit was specially constructed and equipped to perform the function required of it; in finding and holding that the degree of special construction is not controlling; in finding and holding that the vehicle is classifiable as an entirety including the attached drill; in not finding and holding that the duty free treatment of the drill as American goods returned precludes the classification of the vehicle as an entirety with the drill; in finding and holding that the chassis of the vehicles enumerated in the superior heading under item 692.16 are not specially constructed for specific purpose and could not be used otherwise; and in finding and holding that drafters of the tariff schedules and the Brussels nomenclature intended to classify multiple purpose tracked vehicles with drills bolted to their rear frame as specially constructed and equipped vehicles, Appeal from C.D. 4415.

# Tariff Commission Notice

*Investigations by the United States Tariff Commission*

DEPARTMENT OF THE TREASURY, June 7, 1973.

The appended notice relating to an investigation by the United States Tariff Commission is published for the information of Customs officers and others concerned.

VERNON D. ACREE,  
*Commissioner of Customs.*

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[AA1921-122]

DEFORMED CONCRETE REINFORCING BARS OF NON-ALLOY STEEL

## *Notice of investigation and hearing*

Having received advice from the Treasury Department on May 25, 1973, that deformed concrete reinforcing bars of non-alloy steel from Mexico are being, or are likely to be, sold at less than fair value, the United States Tariff Commission on May 30, 1973, instituted investigation No. AA1921-122 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

*Hearing.* A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, N.W., Washington, D.C. 20436, beginning at 10:00 a.m., E.D.S.T., on Tuesday, July 24, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, July 19, 1973.

By order of the Commission:

KENNETH R. MASON,  
*Secretary.*

*Issued May 30, 1973.*

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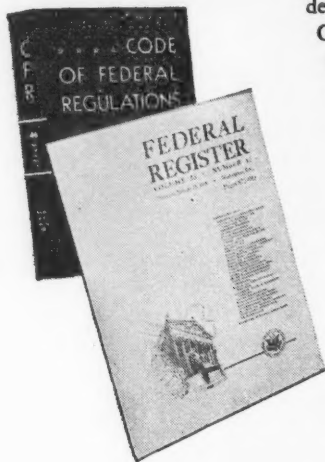


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